

Application No. 10/725,024
Amendment dated January 21, 2005
Reply to Office Action of October 21, 2004

Page 7

REMARKS/ARGUMENTS

The claims of the application have been reviewed and amended to more clearly distinguish over the prior art. Claim 8 has been amended to depend on claim 7 and as such this amendment provides proper antecedent basis for the term counter-balancing means.

Former claims 1, 2, 4 and 9 were rejected as being anticipated by Ermilio United States Patent 2,795,852. This patent discloses a structure that operates in a different manner and is not designed for providing a tailoring guide system used in taking body measurements for garment fitting in accordance with accepted tailoring measurements as required in the present system. Furthermore, this device is complicated and has a series of different specialized arms extending to one side thereof with each arm or arms designed for a single measurement. Each of these arms typically includes their own measurement tapes and a further tape-measuring device is provided at the base of the unit.

In order to be able to use this system an individual must initially be standing on the base portion 18 with all of the arms in a withdrawn or non-obstructing position. All of the various arms must then be moved to the appropriate height and fixed in position. The fixing in position is accomplished by thumbscrews. As the Examiner can appreciate this requires substantial adjustment of the system before any measurements occur and the individual being measured is exposed to contact with all these arms. Therefore the measuring process requires substantial initial setup of the device and also renders the individual being measured to a series of protruding arms. Unfortunately, the device is also designed to merely provide

Application No. 10/725,024
Amendment dated January 21, 2005
Reply to Office Action of October 21, 2004

Page 8

measurements between the various arms as opposed to conventional tailoring means as set forth in the present application. For example, the Examiner's attention is drawn to column 3 of the patent lines 32 through 38. It states that the chest/breast measurement is taken by a separation between the two bars. Shoulders 2 are measured by the horizontal distance along each rod 42. Unfortunately, these measurements may be accurate with respect to the specific device however these are not the standard tailoring measurements needed for the efficient fitting of a garment of one of a series of manufacturers.

In contrast to the primary reference, the present system has a particular structure for the efficient measurement and recording of accepted tailoring measurements. The tailoring guide system includes an upright portion and a spread assembly which is adjustable in height relative to the upright portion. The upright portion includes electronic measuring means to determine and record different heights to which the spread assembly is adjusted. This spread assembly is freely moveable on the upright portion for determining shoulder, chest, waist and seat measurements of an individual standing on the system. The spread assembly includes a pair of arms with the arms being adjustable inwardly and outwardly to different spread positions relative to the upright portion and electronic measuring means to determine and record positioning of the arms in the different spread positions.

The pair of arms further includes an electronically readable flexible measuring tape supported by and moveable with the arms for providing girth body measurements including shoulder, chest, waist and seat measurements. The measuring tape includes a standard measurement scale and an electronically readable scale corresponding to these standard measurement scales. A portable reader for reading of the electronically

Application No. 10/725,024
Amendment dated January 21, 2005
Reply to Office Action of October 21, 2004

Page 9

readable scale is provided. With this system and a trained store clerk can take accurate tailor measurements and record these measurements in an electronic database. The use of both a standard scale and an electronically readable scale allows easy confirmation of the actual recorded measurements to assure errors have not occurred.

The present invention is believed to be in direct contradiction to the primary reference where a series of arms extend outwardly from the upright portion for effecting different measurements. Each of these arms includes their own measurement arrangement and they are merely locating arms that have been appropriately positioned and locked on the upright portion. In direct contradiction to this fundamental principle, the present apparatus includes a spread assembly, which is moveable throughout the height of the upright portion for effecting shoulder, chest, waist, seat, girth and other body measurements. The device also includes an easy arrangement for recording different heights of these measurements. With this system an accurate measurement according to accepted tailoring principles is carried out.

In rejecting further claims the primary reference of Ermilio is cited in combination with Ericson United States Patent 465,252. It is noted that the Ericson structure is specifically designed as a portable hand held device for body or chest measurement of a customer and does not include the flexible tape measurement as found set forth in amended claim 1. In light of the amendments made with respect to claim 1 and the very specific and unusual structure of the Ericson patent, it is believed that this reference is only of interest and in fact would teach away from the tailoring guide system as specified in the present application.

Application No. 10/725,024
Amendment dated January 21, 2005
Reply to Office Action of October 21, 2004

Page 10

Skeletal measurements which include a weight scale are described in Benesh United States Patent 5,088,504. Applicant acknowledges that weight scales are old however the use of a weight scale in the tailoring guide system as specified in the present application is indeed novel and provides a further enhancement of the system providing a critical measurement which has previously not been recorded. Furthermore, the use of the arrangement allows easy confirmation of the status of an individual who has been previously measured. For example, if his measured weight is significantly different relative to a previously recorded measurement and weight of the individual in the database, this factor would be a first alert that changes have occurred and adjustments including a new measurement should be made. As the Examiner can appreciate, the secondary reference of Benesh is directed to a different application and is not directed to a tailoring guide system as required in present invention. Reconsideration of these claims is requested.

Claim 6 was rejected based on Ermilio and Shaw-Weeks. The Examiner states that Shaw-Weeks disclose how measurements and software can be used to create a list of available garments from a variety of manufacturers for the purpose of simplified shopping. It is then stated that it would be obvious to one of ordinary skill in the art, to use the software taught by Shaw-Weeks in conjunction with Ermilio for the purpose of producing a list of available garments to simplify shopping. The purpose of the present invention is not for simplified shopping and in fact it would be in direct contradiction to this purpose. As stated in the preamble of the claim the system is a tailoring guide system used in taking body measurements for garment fitting in accordance with accepted tailoring measurements. The purpose is not to locate garments that may fit but for customizing of garments by adjusting these garments to produce a good fit of the product. There is no suggestion in any of the tailoring systems

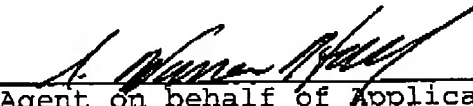
Application No. 10/725,024
Amendment dated January 21, 2005
Reply to Office Action of October 21, 2004

Page 11

located in the search of such a system, which adapts the different measurements taken and recorded, by the system for the particular manufacturer. For example, one suit manufacturer may as part of their standard product may have a fairly deep arm hole. The actual inseam measurement taken by the clerk using the tailor guide system cannot take factor into account. Thus, if this particular garment was manufactured to produce the measured inseam a poor fit would result. The software of the present application recognize these differences and adapts the accepted tailoring measurements to the individual characteristics of the product being ordered. There is no suggestion of this in the prior art and the Shaw-Weeks reference does not address this problem and therefore does not render the present claims obvious.

In view of the above and the amendments to the claims reconsideration and allowance of the application is requested.

Respectfully submitted,



Agent on behalf of Applicant
S. Warren Hall
Registration No. 30,350
Tel: (416) 368-8311

SWH:jmc